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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,316	08/01/2003	Sujal B. Shah	706211US1	3699
24938 7590 04/12/2007 DAIMLERCHRYSLER INTELLECTUAL CAPITAL CORPORATION CIMS 483-02-19 800 CHRYSLER DR EAST AUBURN HILLS, MI 48326-2757			EXAMINER DINH, TAN X	
			ART UNIT 2627	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/12/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/632,316	Applicant(s) SHAH ET AL.	
	Examiner TAN X. DINH	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5,6 and 8-13 is/are rejected.
- 7) ☒ Claim(s) 4 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1) The amendment filed 1/23/2007 is acknowledged. Claim 7 has been canceled.

2) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4) Claims 1-3 and 5-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over LEE (US 5,974,008) and DEBIQUE et al (US 2002/0184180 A1).

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LEE discloses a method for remembering a last-played position of a recording medium as claimed in claim 1, comprising the step of reading an identification number from a medium in a player (Fig.2, Disk Information Reading Unit 25, figure 3, Disk ID #1 to Disk ID #N), determining a last-play position of said medium (Fig.3, Play Position # 1 to Play Position # N), storing identification number and last-play position in a player memory (Fig.2, Disk Information Storage Unit 24) and rereading identification number after re-insertion of medium into player and resuming play at last-play position when identification number corresponds with identification number previously stored in player memory (Fig.3, The player remember the play position #1 to #N of Disk ID #1 to Disk ID #N), except to specifically show that (i) the identification number (ID number) is stored in buffer memory by a user and (ii) generating an ID number (identification number) as a function of a total number of tracks and a total playing time. It would have been obvious to someone within the level of skill in the art at the time of the invention was made to generate and store ID number by a user as claimed, the rationale is as follows:

a) the technique of identifying an optical disk based on the total number of tracks and a total playing time (these features are normally recorded on TOC of optical disc) is old and widely used in

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the optical recording art, evident in DEBIQUE et al, US 2002/0184180 A1, paragraph [0030], and

b) The ID number in LEE's optical player is stored buffer memory automatically during reproducing process, not manually by a user and applicant's claimed. However, the method of substituting an automated control means for the manual control means has generally been recognized in the art since the use of a conventional manual control to automate a previously manual operation involves only routine skill in the art. In re Venner, 120 USPQ 193 (CCPA 1958).

Obviously, one of ordinary skill in the art at the time of the invention was made would have been motivated to use the well known disk identifying as taught by DEBIQUE et al and the manual control in LEE's optical disk player for performing the resume function as claimed.

Claims 2 and 3 are rejected with the same reasons set forth in previously Office action.

As to claim 5, the feature of activating a selected switch for reading or storing last-play position are old and widely used in the recording art (in this case, the user can activate any functions on CD changer/player by selecting a desirable switch.

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Further, to store a last-play position is old and widely used in resume function of optical disk player).

Claim 6 is rejected with the same reasons set forth in previously Office action (it is noted that, the step of monitoring of selecting switches, ejecting CD, etc., are inherent in every CD player).

Claims 8,9 and 11-13 are rejected with the same reasons set forth in previously Office action.

Claim 10 is rejected with the same reasons set forth in claim 1 above.

5) Claims 4 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6) Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

The method of substituting an automated control means for the manual control means has generally been recognized in the art since the use of a conventional manual control to automate a previously manual operation involves only routine skill in the art. For this reason, claims 1-3,5,6,8-13 are still found rejectable as shown above.

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7) Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to **TAN XUAN DINH** whose telephone number is (571)272-7586. The examiner can normally be reached on **MONDAY to FRIDAY** from 9:00AM to 5:00PM.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR)

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system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER
April 10, 2007